

REMARKS/ARGUMENTS**Claim Objections**

Examiner has objected to Claim 12 as because of informalities. Applicant has amended Claim 12 to correct the informalities.

Claim Rejections**35 USC 102**

Examiner has rejected Claims 1, 3, 6-9, and 15 under 35 USC 102(b) as being anticipated by Carr. Examiner has stated that Carr shows a stiffening wire 13. In response, Applicant respectfully submits that cable 13 is not a stiffening wire as disclosed and Claimed by Applicant.

Applicant's Stiffening Wire

On page 3 under the heading "Stiffening Wire", Applicant describes stiffening wire 6:

In the preferred embodiment, stiffening wire 6 is 10 gage galvanized steel wire. In the preferred embodiment, wire 6 is approximately 15 - 18 inches long. *Wire 6 has sufficient stiffness to allow a user of ordinary strength to easily bend bendable extension arm 10 to the desired shape while at the same time holding the desired shape while bendable extension arm 10 is being utilized.* For example, FIG. 8 shows bendable extension arm 10 attached to the end of extension pole 12. Paint brush 13 is attached to the other end of bendable extension arm 10. In FIG. 8, a user has bent bendable extension arm 10 as shown so that the user can easily paint the top of wall 14. While paint brush 13 is being utilized to paint wall 14, bendable extension arm 10 retains its shape as shown. (emphasis added)

As described and claimed by Applicant, a stiffening wire has its own degree of inherent stiffness such that the stiffening wire can be easily bent to its desired shape by the user yet also hold the desired shape while the bendable extension arm is being utilized. Hence, the stiffness of Applicant's bendable extension arm is determined by stiffness of stiffening wire 6.

For example, as stated in the application, although the preferred embodiment described wire 6 as being 10 gage galvanized steel wire, wire 6 could be an 8 gage or a 14 gage

galvanized steel wire. With Applicant's device, as the gage of the wire increases, so does the stiffness of bendable extension arm 10.

Applicant's Sheath

As stated on page 3 of the application, 4th line under the heading "Sheath":

The helical metal construction of sheath 4 protects wire 6 and prevents over bending of wire 6. Over bending of wire 6 could significantly weaken wire 6 and even eventually cause it to break. For example, FIG. 11 shows bendable extension arm 10 being bent to approximately its maximum position. Links 4A – 4U are compressed at the bottom of sheath 4 preventing any further bending movement. (emphasis added)

A primary purpose of Applicant's sheath is to protect the stiffening wire and to help prevent over bending. As stated above, the stiffness of Applicant's bendable extension arm is due to the characteristics of the stiffening wire, not the characteristics of the sheath.

Carr's Twisted Wire Cable

In comparison, Carr's device lies in stark contrast to Applicant's bendable extension arm. In describing cable 13, Carr states in Column 2, line 43, "Extending loosely centrally through the main body of the handle is a long flexible tension member 13 such as a twisted wire cable."

Carr's cable 13 is not described as having any significant inherent stiffness qualities. Instead, Carr's cable 13 is for the purpose of placing tubular components 14 under tension to lock them rigidly into place. A description of the utilization of Carr's device is found starting at Column 3, line 62 – Column 4, line 16.

As described, Carr's cable 13 is first slackened to permit adjustment of components 14. Then, while cable 13 is slackened, the user adjusts the relative positions of components 14 until Carr's tool handle 10 is in its desired shape. Then, wrenches are used to rotate nuts 29 and 31 apart until "the cable is fully retensioned to lock components 14 rigidly against relative movement."

Therefore, as can be clearly seen by the above discussion and by reference to Carr, the stiffness of Carr's handle is due to the fact that components 14 are locked rigidly against relative movement when cable 13 is under high tension. Conversely, when cable 13 is slackened handle 10 is not stiff and components 14 are easily repositioned and adjusted. In comparison to Applicant's bendable extension arm, Carr's tool handle is much more complicated and time consuming to operate. A user of Applicant's device can merely bend the bendable extension arm to its desired shape and begin using it. Conversely, a user of Carr's device must first utilize wrenches to slacken cable 13. Then the user must adjust each component 14 until they are all at their desired relative positions. Then, the user must use wrenches to retension cable 13 to lock components 14 in place.

Conclusion

Carr does not show a stiffening wire. Instead, Carr shows a "twisted wire cable" under tension. The stiffness of Carr's handle does not depend upon the stiffness of Carr's cable 13, but rather it depends upon a tensioned cable 13. The procedure for tensioning cable 13 is complicated and time consuming. Therefore, because neither Carr nor any other reference cited by Examiner shows a stiffening wire, Applicant submits that Claims 1 – 16 should be allowable.

Claim Rejections

35 USC 103

Examiner has objected to Claims 2, 4, 5, 10, 11, 12, 13, and 16 under 35 USC 103 as being unpatentable over Carr in view of other references. These claims should all be allowable for the reasons stated above.

New Claims

Applicant has added new Claims 17 and 18. Claims 17 and 18 serve to even further distinguish Applicant's invention from the prior art and should therefore likewise be allowable.

CONCLUSION

Thus, for all the reasons given above, this application, as the claims are presently limited, defines a novel, patentable, and truly valuable invention. Hence allowance of all outstanding claims in this application is respectfully submitted to be proper and is respectfully solicited.

Respectfully Submitted,

John R. Ross, III
Ross Patent Law Office
Regis. No. 43060
PO Box 2138
Del Mar, CA 92014
Phone: 858-755-3122
Fax: 858-755-3122